THE HON'BLE MR JUSTICE ELIPE DHARMA RAO

WRIT PETITION No : 16766 of 2005

Dated: 22-08-2005

Between:

The Harijana Labour Contract Co-operative Society Limited

Gundla Singaram Hanumakonda,

Register No.862 represented by its President
Gadipl Sambaiah S/o Late Illaiah, aged about 41 years,

Hunmakonda Mandal, Warangal District.

Petitioner…

AND

The Government of Andhra Pradesh

Represented by its Secretary Municipal Administration and

Urban Development (G) Department, Secretariat Building, Hyderabad and another.

Respondents…

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ORDER:

This writ petition is filed seeking Mandamus declaring the action of the 2nd respondent, Commissioner, in not entrusting the sanitation work in the leftover area in Warangal Municipal Corporation Area, to the petitioner, as illegal and arbitrary.

2. Petitioner, a Labour Contract Co-operative Society, consisting of health workers belonging to Scheduled Caste, submits that its members have been eking out their livelihood by executing sanitation works for the last 14 years. The case of the petitioner is that the Government issued G.O.Ms.No.30 dated 18-01-2000 Municipal Administration and Urban Development (G2) Department, directing all the authorities concerned, including the second respondent herein, to entrust a portion of the sanitation work to the societies formed by the sanitary workers unions, even if, they have not participated in the tenders, with a view to improve the efficiency in sanitation with the other modalities indicated in the G.O.Ms.No.581 MA dated 06-11-1996. It is stated that in pursuance thereof, the

2nd respondent issued order vide Procs.No.21 & 22 dated
30-06-2003 to the petitioner society allotting various works of sanitation to it, on contract basis for a period of six months.
It is further stated that the second respondent issued another tender notification dated 26-09-2004 to execute the sanitation works inviting applications from the registered Dalith DWACRA societies.

3. It is further stated that petitioner, along with 9 others, submitted a representation dated 28-09-2004 to the 2nd respondent requesting to allot 50% of the sanitation works on nomination basis to the members of the petitioner society in view of G.O.Ms.No.30. Alleging inaction on the said representation, petitioner and some others are said to have filed W.P.No.18326 of 2004 challenging the notification dated 26-09-2004. This Court while admitting the said writ petition dismissed the W.P.M.P.No.24078 of 2004. Aggrieved by the same, petitioners therein are said to have filed W.A.No.1616 of 2004 and this Court, while disposing of the writ appeal, directed the 1st respondent not to finalise the tenders, and posted the writ petition for hearing.

4. The main grievance of the petitioner is that the
2nd respondent allotted the sanitation works to similarly situated persons, without considering the petitioner's case. It is stated that challenging the said action, petitioner filed W.P.No.21665 of 2004. The said writ petition was disposed of by this Court vide its order dated 29-11-2004, directing the 2nd respondent to consider the representation of the petitioner society. It is alleged that the
2nd respondent, neither considered the case of the petitioner society for allotment of works nor passed any orders on its representation. Thereafter, the 2nd respondent issued another notification dated
18-07-2004 calling applications for 4 units. It is the case of the petitioner that even though this Court directed the 2nd respondent for allotment of leftover sanitation work to the petitioner, the same is not being considered.

5. Learned counsel for the petitioner submits that the applications for grant of work submitted by some of the similarly situated unions were considered and work was entrusted as per the notification and also as per the Government Order dated 18-01-

2000 but in respect of the petitioner, its application for grant of work was not considered as per the G.O. Ms. No.30, dated 18-01-2000.
The present writ petition is filed seeking relief to entrust the leftover sanitation work to the petitioner as per the Government Order.

6. Learned Government Pleader for Municipal Administration submits that as per the tender notification, the work would be completed by the end of October, 2005 and the petitioner earlier also filed similar petition, which was dismissed.

7. Heard the learned counsel appearing on either side and perused the material on record.

8. I am not inclined to consider the submission of the learned counsel for the petitioner for the simple reason that the Government Order contemplates relaxation of some qualifications for allotment of works to the associations/unions formed by the sanitary workers and some other groups without participating in the tender.
In view of the submission made by the learned Government Pleader for Municipal Administration that the leftover works were already entrusted to some other unions, same are going to be completed shortly and also in view of the fact that as on today there is no tender, no relief could be granted to the petitioner in this writ petition.

9. Accordingly, the writ petition is dismissed. However, it is needless to mention that whenever a tender notification is issued, petitioner can apply which shall duly be considered by the respondents as per the terms and conditions of the tender and also in accordance with the G.O.Ms.No.30 dated 18-01-2000. No order as to costs.

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ELIPE DHARMA RAO, J

Dated: 23-08-2005

LSK